

MONDAY, APRIL 28, 2003

THIRTY-FOURTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by the Reverend Tony Earl of Oakwood Baptist Church in Knoxville, Tennessee, a guest of Senator Burchett.

PLEDGE OF ALLEGIANCE

Senator Burchett led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

PRESENTATION

Senator Fowler presented **Senate Joint Resolution No. 240** to the Tennessee Temple Academy boys' basketball team.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 413**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 413 -- Memorials, Professional Achievement -- Ruth Holmberg, American Lung Association of Tennessee's 2003 Woman of Distinction.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 413** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 414**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 414 -- Memorials, Professional Achievement -- American Lung Association of Tennessee's Women of Distinction.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 414** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 357**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 357 by Senators Burchett, Atchley and McNally. Memorials, Retirement -- Reverend William Couch, Jr.

On motion of Senator Burchett, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 357** was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2023 by Senator Burks.

Gainesboro -- Subject to local approval, creates position of town manager. Amends Chapter 26 of the Acts of 1905; as amended.

Senate Bill No. 2024 by Senator Graves.

Portland -- Subject to local approval, sets term limit, appointing method, and age requirement for city judge. Amends Chapter 568 of the Private Acts of 1939; as amended.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

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House Bill No. 456 -- Workers' Compensation -- Changes reference to county executive's opinion concerning whether injured worker is justified in not returning to work to opinion of court with jurisdiction. Amends TCA Section 50-6-207.

House Bill No. 847 -- Criminal Offenses -- Allows merchants to aid in prevention of sale of alcoholic beverages to persons underage. Amends TCA Section 39-15-413.

House Bill No. 1175 -- Education -- Redefines "low performing schools and school districts" as "high priority schools and school districts". Amends TCA Title 49.

House Bill No. 1256 -- Public Contracts -- Directs comptroller of treasury to conduct study of procurement of information technology commodity items and services. Amends TCA Title 4 and Title 12.

House Bill No. 1391 -- Child Custody and Support -- Allows court discretion to offer individual who fails to comply with order or decree of child support and maintenance alternative punishment of removing litter or working in recycling center. Amends TCA Title 36, Chapter 5, Part 1.

House Bill No. 1408 -- Marriage -- Provides civil immunity for judges and other officers of court with respect to certain matters that may arise concerning roster of area course providers of marital preparation courses sufficient to exempt marriage license applicants from payment of certain fees. Amends TCA Section 36-6-413.

House Bill No. 1503 -- Sunset Laws -- East community service agency, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5.

House Bill No. 1548 -- Sunset Laws -- Davidson County community service agency, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5.

House Bill No. 1550 -- Sunset Laws -- Hamilton County community service agency, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 5.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2021 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 2022 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 320 by Senator Burks.
Memorials, Personal Occasion -- Former Senator Anna Belle Clement O'Brien, birthday.

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Senate Joint Resolution No. 321 by Senator Cooper.

General Assembly, Statement of Intent or Position -- Urges state insurance committee to establish supplemental health insurance program for state employees and state retirees, if appropriate.

Senate Joint Resolution No. 322 by Senator Jackson.

Memorials, Academic Achievement -- Brittney Diane Tucker, Cum Laude, Summertown High School.

Senate Joint Resolution No. 323 by Senator Jackson.

Memorials, Academic Achievement -- Sam Roberts, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 324 by Senator Jackson.

Memorials, Academic Achievement -- Jacob Lee Patterson, Cum Laude, Summertown High School.

Senate Joint Resolution No. 325 by Senator Jackson.

Memorials, Academic Achievement -- Jennifer Hester, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 326 by Senator Jackson.

Memorials, Academic Achievement -- Erin Elizabeth Surles, Cum Laude, Summertown High School.

Senate Joint Resolution No. 327 by Senator Jackson.

Memorials, Academic Achievement -- Carrie Lynn Newton, Cum Laude, Summertown High School.

Senate Joint Resolution No. 328 by Senator Jackson.

Memorials, Academic Achievement -- Krystle Frazier, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 329 by Senator Jackson.

Memorials, Academic Achievement -- Sarah Curtis, Cum Laude, Summertown High School.

Senate Joint Resolution No. 330 by Senator Jackson.

Memorials, Academic Achievement -- Lauren Elizabeth Perry, Cum Laude, Summertown High School.

Senate Joint Resolution No. 331 by Senator Burks.

Naming and Designating -- "Elder Abuse Awareness Month", May 2003.

Senate Joint Resolution No. 332 by Senator Jackson.

Memorials, Academic Achievement -- Crystal Dawn Preslar, Summa Cum Laude, Summertown High School.

Senate Joint Resolution No. 333 by Senator Jackson.

Memorials, Academic Achievement -- Jared Bryce, Cum Laude, Summertown High School.

Senate Joint Resolution No. 334 by Senator Jackson.

Memorials, Academic Achievement -- Lydon Bergin, Magna Cum Laude, Summertown High School.

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Senate Joint Resolution No. 335 by Senator Jackson.

Memorials, Academic Achievement -- Renee Fleeman, Summa Cum Laude, Summertown High School.

Senate Joint Resolution No. 336 by Senator Jackson.

Memorials, Academic Achievement -- Stephanie Daniel Troppello, Cum Laude, Summertown High School.

Senate Joint Resolution No. 337 by Senator Jackson.

Memorials, Academic Achievement -- Adria Eden Matney, Magna Cum Laude, Summertown High School.

Senate Joint Resolution No. 338 by Senator Jackson.

Memorials, Academic Achievement -- Carrie Elizabeth Meek, Summa Cum Laude, Summertown High School.

Senate Joint Resolution No. 339 by Senator Jackson.

Memorials, Academic Achievement -- Dustin Killen, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 340 by Senator Jackson.

Memorials, Academic Achievement -- Becky Jo Scollard, Cum Laude, Summertown High School.

Senate Joint Resolution No. 341 by Senator Jackson.

Memorials, Academic Achievement -- Ryan Boyle, Cum Laude, Summertown High School.

Senate Joint Resolution No. 342 by Senator Jackson.

Memorials, Academic Achievement -- Anna Benson, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 343 by Senator Jackson.

Memorials, Academic Achievement -- Alicia Masterson, Cum Laude, Summertown High School.

Senate Joint Resolution No. 344 by Senator Jackson.

Memorials, Academic Achievement -- Rachel Jones, Cum Laude, Summertown High School.

Senate Joint Resolution No. 345 by Senator Jackson.

Memorials, Academic Achievement -- Sara Suzanne Taylor, Cum Laude, Summertown High School.

Senate Joint Resolution No. 346 by Senator Jackson.

Memorials, Academic Achievement -- Rhett Boston Peters, Summa Cum Laude, Summertown High School.

Senate Joint Resolution No. 347 by Senator Jackson.

Memorials, Academic Achievement -- Ratasha Dial, Cum Laude, Summertown High School.

Senate Joint Resolution No. 348 by Senator Jackson.

Memorials, Academic Achievement -- Eric Johnson, Summa Cum Laude, Lawrence County High School.

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Senate Joint Resolution No. 349 by Senator Jackson.

Memorials, Academic Achievement -- Alexander Hancock, Cum Laude, Summertown High School.

Senate Joint Resolution No. 350 by Senator Jackson.

Memorials, Academic Achievement -- Joshua Hamilton, Cum Laude, Summertown High School.

Senate Joint Resolution No. 351 by Senator Jackson.

Memorials, Academic Achievement -- Cecilia Cantina Oaks, Cum Laude, Summertown High School.

Senate Joint Resolution No. 352 by Senator Jackson.

Memorials, Academic Achievement -- Sheena Chastity Scott, Cum Laude, Summertown High School.

Senate Joint Resolution No. 353 by Senator Jackson.

Memorials, Academic Achievement -- Chad Dickey, Summa Cum Laude, Lawrence County High School.

Senate Joint Resolution No. 354 by Senator Beavers.

Memorials, Academic Achievement -- Lauren Macpherson, Salutatorian, Friendship Christian School.

Senate Joint Resolution No. 355 by Senator Beavers.

Memorials, Academic Achievement -- Melanie Whited, Valedictorian, Friendship Christian School.

Senate Joint Resolution No. 356 by Senator Henry.

Memorials, Recognition -- 150th anniversary of Belle Meade Plantation and 50th anniversary of Nashville Chapter of APTA.

Senate Joint Resolution No. 358 by Senator Kyle.

Memorials, Academic Achievement -- Bertram Nigel Thompson, Valedictorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 359 by Senator Kyle.

Memorials, Retirement -- Douglas E. Jones.

Senate Joint Resolution No. 360 by Senator Kyle.

Memorials, Academic Achievement -- Paul Andrew Cicala, Valedictorian, Gateway Christian Schools.

Senate Joint Resolution No. 361 by Senator Kyle.

Memorials, Academic Achievement -- Amanda Lindsay Powers, Salutatorian, Gateway Christian Schools.

Senate Resolution No. 48 by Senator Dixon.

Memorials, Academic Achievement -- Jamie Bryant, Valedictorian, Hamilton High School.

Senate Resolution No. 49 by Senator Dixon.

Memorials, Academic Achievement -- Lavidia Johnson, Salutatorian, Whitehaven High School.

Senate Resolution No. 50 by Senator Dixon.

Memorials, Academic Achievement -- Maya Rubina, Salutatorian, Ridgeway High School.

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Senate Resolution No. 51 by Senator Dixon.

Memorials, Academic Achievement -- Joshua Jeffries, Valedictorian, Woodale High School.

Senate Resolution No. 52 by Senator Dixon.

Memorials, Academic Achievement -- Kelley Giboney, Valedictorian, Hillcrest High School.

Senate Resolution No. 53 by Senator Dixon.

Memorials, Academic Achievement -- Jennifer Tate, Salutatorian, Hamilton High School.

RESOLUTIONS LYING OVER

House Joint Resolution No. 402 -- Memorials, Academic Achievement -- Lawrence Small,

Valedictorian, McGavock High School.

The Speaker announced that he had referred House Joint Resolution No. 402 to Committee on Calendar.

House Joint Resolution No. 403 -- Memorials, Academic Achievement -- Layne

Stackhouse, Salutatorian, McGavock High School.

The Speaker announced that he had referred House Joint Resolution No. 403 to Committee on Calendar.

House Joint Resolution No. 404 -- Memorials, Academic Achievement -- Alex Keith

Stephens, Valedictorian, Donelson Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 404 to Committee on Calendar.

House Joint Resolution No. 405 -- Memorials, Academic Achievement -- Chad Byrd,

Valedictorian, Donelson Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 405 to Committee on Calendar.

House Joint Resolution No. 406 -- Memorials, Academic Achievement -- Joe Johnson

Richard, Salutatorian, Donelson Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 406 to Committee on Calendar.

House Joint Resolution No. 408 -- Memorials, Retirement -- James Guilford Douglas.

The Speaker announced that he had referred House Joint Resolution No. 408 to Committee on Calendar.

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House Joint Resolution No. 410 -- Memorials, Professional Achievement -- Ron Thompson, Teacher of the Year, Williamson County Schools.

The Speaker announced that he had referred House Joint Resolution No. 410 to Committee on Calendar.

House Joint Resolution No. 411 -- Memorials, Professional Achievement -- Joan Blackwell, Williamson County Elementary School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 411 to Committee on Calendar.

House Joint Resolution No. 412 -- Memorials, Professional Achievement -- Nancy Weatherman, Williamson County Middle School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 412 to Committee on Calendar.

House Joint Resolution No. 416 -- Memorials, Congratulations -- WCQR 88.3 FM, Dove Award.

The Speaker announced that he had referred House Joint Resolution No. 416 to Committee on Calendar.

House Joint Resolution No. 418 -- Memorials, Interns -- Kameke Broadwater.

The Speaker announced that he had referred House Joint Resolution No. 418 to Committee on Calendar.

House Joint Resolution No. 419 -- Memorials, Interns -- ToDario Harris.

The Speaker announced that he had referred House Joint Resolution No. 419 to Committee on Calendar.

House Joint Resolution No. 421 -- Memorials, Personal Occasion -- B.J. and Lola Byrd, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 421 to Committee on Calendar.

Senate Joint Resolution No. 312 -- Memorials, Academic Achievement -- Anne Dorris, Salutatorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 312 to Committee on Calendar.

Senate Joint Resolution No. 314 -- Memorials, Academic Achievement -- Cyara Byears, Salutatorian, Trezevant High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 314 to Committee on Calendar.

Senate Joint Resolution No. 315 -- Memorials, Academic Achievement -- Shanti' Elizabeth Vann, Valedictorian, Trezevant High School.

The Speaker announced that he had referred Senate Joint Resolution No. 315 to Committee on Calendar.

Senate Joint Resolution No. 316 -- Memorials, Academic Achievement -- Ashley Nicole Brown, Salutatorian, Memphis Area Home Education Association.

The Speaker announced that he had referred Senate Joint Resolution No. 316 to Committee on Calendar.

Senate Joint Resolution No. 317 -- Memorials, Academic Achievement -- Daniel Prescott, Valedictorian, McEwen High School.

The Speaker announced that he had referred Senate Joint Resolution No. 317 to Committee on Calendar.

Senate Joint Resolution No. 318 -- Memorials, Academic Achievement -- Trever Tummins, Valedictorian, McEwen High School.

The Speaker announced that he had referred Senate Joint Resolution No. 318 to Committee on Calendar.

Senate Joint Resolution No. 319 -- Memorials, Academic Achievement -- Rachael Schenk, Valedictorian, Giles County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 319 to Committee on Calendar.

Senate Resolution No. 47 -- Memorials, Death -- Jo Churchwell Patterson.

The Speaker announced that he had referred Senate Resolution No. 47 to Committee on Calendar.

RECALL OF BILL

On motion of Senator Henry, **Senate Bill No. 460** was recalled from the Committee on Finance, Ways and Means.

REFERRAL

On motion of Senator Henry, Senate Bill No. 460 was referred to the Committee Calendar.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 205 -- General Assembly, Statement of Intent or Position -- Urges public library boards to require public libraries to obtain parental consent prior to allowing minor check out "R" or "NC-17" rated library materials.

Senate Joint Resolution No. 238 -- General Assembly, Directed Studies -- Requires State Board of Education to submit to Select Oversight Committee on Education preliminary and end-of-school-year reports relative to implementation of special education case load and class size standards.

Senate Joint Resolution No. 301 -- Memorials, Academic Achievement -- Will Borthick, Valedictorian, Springfield High School.

Senate Joint Resolution No. 302 -- Memorials, Personal Occasion -- Geneva Sue Reddick, 80th birthday.

Senate Joint Resolution No. 303 -- Memorials, Interns -- Jonathan Aaron Taylor.

Senate Joint Resolution No. 304 -- Memorials, Academic Achievement -- Keera Johnson, Salutatorian, Giles County High School.

Senate Joint Resolution No. 306 -- Memorials, Public Service -- AMVETS.

Senate Joint Resolution No. 309 -- Memorials, Death -- Alan Albertson Young.

Senate Joint Resolution No. 311 -- Memorials, Public Service -- Alfred Bell, Knox County Election Commission.

Senate Resolution No. 43 -- Memorials, Death -- Thomas Ray Patton.

Senate Resolution No. 44 -- Memorials, Death -- Ricky Lynn Brantley.

Senate Resolution No. 46 -- Memorials, Interns -- Derek Green.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 276 -- Disabled Persons -- Extends right of access to public accommodations for dog guides in training to dogs being raised or socialized under authority of accredited school for training dog guides. Amends TCA Title 62, Chapter 7.

On motion, Senate Bill No. 276 was made to conform with **House Bill No. 470**.

On motion, House Bill No. 470, on same subject, was substituted for Senate Bill No. 276.

Senate Bill No. 516 -- Nurses, Nursing -- Requires qualified person wanting certificate to practice as advanced practice nurse to apply to board of nursing for such certificate. Amends TCA Section 63-7-126.

On motion, Senate Bill No. 516 was made to conform with **House Bill No. 257**.

On motion, House Bill No. 257, on same subject, was substituted for Senate Bill No. 516.

Senate Bill No. 863 -- Welfare -- Deletes \$4,600 disregard limit on equity value of automobile for Families First eligibility test. Amends TCA Section 71-3-164.

Senate Bill No. 1171 -- Physicians and Surgeons -- Permits community mental health center to employ psychiatrist and defines psychiatrist. Amends TCA Section 63-6-204.

On motion, Senate Bill No. 1171 was made to conform with **House Bill No. 1158**.

On motion, House Bill No. 1158, on same subject, was substituted for Senate Bill No. 1171.

Senate Bill No. 1503 -- Tennessee Bureau of Investigation -- Specifies that certain criminal history records checks requested by home care organizations shall be jointly performed by TBI and FBI. Amends TCA Section 68-11-233.

On motion, Senate Bill No. 1503 was made to conform with **House Bill No. 1319**.

On motion, House Bill No. 1319, on same subject, was substituted for Senate Bill No. 1503.

Senate Bill No. 1560 -- Economic and Community Development -- Authorizes funding for consortium of historically black colleges and universities, subject to appropriation, to be used toward strategic economic development objectives of consortium, state, and participating private industry; authorizes and directs Department of Economic and Community Development and THEC to assist consortium in meeting key objectives. Amends TCA Title 4, Chapter 3, Part 7 and Title 49, Chapter 7.

Senate Bill No. 1627 -- Education -- Requires State Board of Education, with assistance of Commissioner of Education, to study and propose plans to recruit and retain highly qualified teachers in key academic fields in which there are critical shortages of teachers. Amends TCA Title 49.

Senate Bill No. 1754 -- Probate Law -- Deletes provision that Hardin County clerk is clerk responsible for probate and administration of estate matters rather than clerk and master and directs

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county clerk to transfer all probate related files to clerk and master by August 1, 2003. Amends TCA Section 16-16-201.

On motion, Senate Bill No. 1754 was made to conform with **House Bill No. 1039**.

On motion, House Bill No. 1039, on same subject, was substituted for Senate Bill No. 1754.

Senate Bill No. 1813 -- Education, Higher -- Provides that student veteran cannot defer more tuition and fees than amount of education assistance to be received. Amends TCA Section 49-7-104.

Senate Bill No. 1816 -- Medical Occupations -- Authorizes emergency medical services board to conduct criminal background checks on applicants for licenses as EMTs and EMT-Ps. Amends TCA Title 68, Chapter 140, Part 5.

Senate Bill No. 1817 -- Welfare -- Excludes value of federal veterans education benefits from eligibility determinations for public assistance programs to extent permitted by federal law. Amends TCA Title 71.

Senate Bill No. 1944 -- Welfare -- Modifies federal waiver provisions related to implementation of welfare programs. Amends TCA Title 71.

On motion, Senate Bill No. 1944 was made to conform with **House Bill No. 2037**.

On motion, House Bill No. 2037, on same subject, was substituted for Senate Bill No. 1944.

Senate Bill No. 1950 -- Agriculture -- Requires persons applying for commercial aerial applicator license to first obtain certification in category of pesticides such persons intend to apply; imposes other requirements on licensed aerial applicators and increases punishment for violation of aerial application provisions. Amends Tennessee Code Annotated, Title 43, Chapter 8, Part 3.

On motion, Senate Bill No. 1950 was made to conform with **House Bill No. 2046**.

On motion, House Bill No. 2046, on same subject, was substituted for Senate Bill No. 1950.

Senator Crowe moved that all Senate Bills and House Bills be passed on third consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2019 -- Portland -- Subject to local approval, authorizes city to impose impact fee. Amends Chapter 568 of the Private Acts of 1939; as amended by Chapter 123 of the Private Acts of 1970 and Chapter 107 of the Private Acts of 1981; and any other acts amendatory thereto.

Senator Crowe moved that **Senate Bill No. 2019** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CALENDAR

Senator Jackson moved that **Senate Bill No. 128** be placed on the calendar for Wednesday, April 30, 2003, which motion prevailed.

Senate Bill No. 178 -- Mental Health and Developmental Disabilities, Dept. of -- Adds definition of abuse, neglect or mistreatment to Mental Health, Developmental Disabilities and Personal Support Services Licensure Law. Amends TCA Title 33.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Sections 1 and 2 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-2-402, is amended by adding the following definitions and renumbering the existing definitions accordingly:

() "Abuse" means the knowing infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.

() "Misappropriation of property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of belongings or money without consent.

() "Neglect" means failure to provide goods or services necessary to avoid physical harm, mental anguish, or mental illness, which results in injury or probable risk of serious harm.

SECTION 2. Tennessee Code Annotated, Section 33-2-407(a), is amended by deleting the word "or" at the end of subdivision (2); by deleting the period at the end of subdivision (3) and substituting instead a semicolon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

"(4) Abuse, misappropriation of property or neglect."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 178**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 279 -- Pharmacy, Pharmacists -- Requires Bureau of TennCare and board of pharmacy to report to House and Senate health committees concerning access to prescription drugs and eligibility for medical assistance, with particular attention to spend down options. Amends TCA Title 56 and Title 71.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 and by substituting instead the following as new amendatory language:

71-5-194. On or before July 1, 2003, the Department of Human Services shall make available on the Department of Human Services' web page all rules, operating procedures and any other similar material relative to determining an individual's spend down eligibility for medical assistance under this chapter and the operating procedures and any other similar material necessary for a pharmacy to determine which prescriptions used to qualify the patient for TennCare through the spend down eligibility criteria are eligible to be billed to the TennCare program based on the effective date of eligibility for medical assistance.

On motion, the amendment was adopted.

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Thereupon, **Senate Bill No. 279**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Williams moved that **Senate Bill No. 281** be placed on the calendar for Thursday, May 8, 2003, which motion prevailed.

Senator Norris moved that **Senate Bill No. 396** be placed on the calendar for Wednesday, April 30, 2003, which motion prevailed.

Senate Bill No. 818 -- Aged Persons -- Transfers administration of Title V of Older Americans Act activities from Commission on Aging and Disability to Department of Labor and Workforce Development. Amends TCA Title 4 and Title 71.

Senate Bill No. 818 passed its third and final consideration by the following vote:

Ayes 30
Noes 3

Senators voting aye were: Atchley, Beavers, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

Senators voting no were: Bryson, Crowe and Graves--3.

A motion to reconsider was tabled.

Senate Bill No. 1023 -- Disabled Persons -- Enacts "Consumer Protection Act for Wheeled Mobility". Amends TCA Title 47; Title 63 and Title 68.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Consumer Protection Act for Wheeled Mobility".

SECTION 2. Tennessee Code Annotated, Section 68-11-201, is amended by adding the following items thereto to be appropriately designated:

() "Assistive technology supplier (ATS)" means service providers involved in the sale and service of commercially available wheeled mobility devices;

() "Assistive technology practitioner (ATP)" means service providers primarily involved in evaluating the consumer's needs and training in the use of a prescribed wheeled mobility device;

() "Credentialed Wheeled Mobility Person" means:

(A) A health care professional licensed under Title 63;

(B) An individual who has appropriately obtained the designation of ATS or ATP, meeting all requirements thereof, as established by the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA); or

(C) An individual who has met the following requirements and provides to the home care organization providing prescribed wheeled mobility devices, where the individual is on staff:

(i) Documentation to prove the completion of at least fifteen (15) hours of continuing education within the twelve (12) months immediately prior to July 1, 2004, and by June 30 of all subsequent years, in the field of seating and wheeled mobility, which may include, but is not limited to:

(a) Courses by health care professionals;

(b) Courses by health care associations;

(c) Courses by a college or university;

(d) Courses by manufacturers;

(e) In-service training by manufacturers; or

(f) Attendance at symposia or conferences.

(ii) Proof of at least one-year's experience in the field of rehabilitation technology; and

(iii) Three (3) recommendations from health care professionals licensed under Title 63 who can attest to the skills of the provider in seating and wheeled mobility.

() "Evaluation" means the determination and documentation of the physiological and functional factors that impact the selection of an appropriate seating and wheeled mobility device;

() "Wheeled Mobility Device" means a wheelchair or wheelchair and seated positioning system prescribed by a physician and required for use by

the patient for a period of six (6) months or more. The following Medicare wheelchair base codes are exempt: K0001, K0002, K0003, K0004, and K0006.

SECTION 3. Tennessee Code Annotated, Section 68-11-226, is amended by adding the following language as a new subsection (d):

(d)(1) On and after July 1, 2004, all home care organizations providing prescribed wheeled mobility devices in this state shall have on staff a credentialed wheeled mobility person.

(2) Starting July 1, 2004, home care organizations providing prescribed wheeled mobility devices shall obtain a complete written evaluation and recommendation by a credentialed wheeled mobility person or physical therapist (PT) or occupational therapist (OT) for recipients of prescribed wheeled mobility devices.

(3) Starting January 1, 2007, home care organizations providing prescribed wheeled mobility devices shall obtain a complete written evaluation and recommendation by a credentialed wheeled mobility person, who shall be, at a minimum, a health care professional licensed under Title 63 or a person who has appropriately obtained the designation of ATP or ATS, for recipients of prescribed wheeled mobility devices.

SECTION 4. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1023**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1028 -- Sunset Laws -- Department of financial institutions, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-230(a), is amended by adding a new item thereto, as follows:

() Department of financial institutions, created by § 4-3-101;

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1028**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1029 -- Sunset Laws -- Southern dairy compact, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 35.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-230(a), is amended by adding a new item thereto, as follows:

() Southern dairy compact, created by § 43-35-101;

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1029**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 2

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

Senators voting no were: Cohen and Henry--2.

A motion to reconsider was tabled.

Senate Bill No. 1288 -- Education, Higher -- Provides procedure for group purchases by institutions of higher education. Amends TCA Title 49, Chapter 7.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all sections of the written bill after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding the following as a new section:

Section 49-7-124. (a) For purposes of this section:

(1) "Governing board" means, as appropriate, either the board of trustees of the University of Tennessee or the board of regents of the state university and community college system;

(2) "Group purchasing program" means any plan, program or method which is intended to provide the opportunity for institutions of higher education to obtain goods or services at a discount or savings not otherwise available through the purchasing practices of such institutions;

(3) "Institutions of higher education" and "institutions" mean the University of Tennessee, the state university and community college system, and the constituent schools, colleges, universities, and centers of each; and

(4) "Services" means those routine, non-professional services otherwise purchased by the State of Tennessee pursuant to Tennessee Code Annotated, Title 12, Chapter 3. "Services" does not mean those services procured pursuant to Tennessee Code Annotated, Section 12-4-109.

(b) Notwithstanding any other provision of the law, institutions of higher education may make purchases of goods and services through a group purchasing program provided that:

(1) Any contract with a group purchasing program is not an exclusive contract, permits purchasing from other lawful sources and by other lawful means, and does not require payment or compensation by the governing board or institution to the group purchasing program;

(2) The supplier contracts within the group purchasing program result from a competitive process and represent the most competitive supplier bids or proposals, considering price, quality, and service, for the goods or services to be purchased;

(3) The group purchasing program certifies to the governing board that it uses effective competitive procedures to obtain quotations or contracts for goods or services to be purchased by institutions of higher education, so as to obtain the most competitive bid or proposal available to the group purchasing

program for the goods or services made available for purchase and such procedures and prices resulting therefrom are capable of being audited by the institutions;

(4) The officials responsible for administering the purchasing function at the University of Tennessee or the board of regents of the state university and community college system shall provide annually a summary and evaluation report of the results of the purchases made utilizing a group purchasing program to the comptroller of the treasury and the commissioner of general services by October 1 of each year with regard to purchases made in the preceding fiscal years;

(5) The price quotation or contracts for goods or services under the group purchasing program is lower than the price available on state contracts in the department of general services.

(c) The provisions of this act shall be construed as authority supplemental to purchasing authority provided under any other public or private act. In the event of conflict between this act and any other public or private act, the provisions of this act shall prevail.

(d) The comptroller of the treasury is directed to report to the General Assembly on the success or failure of group purchasing programs authorized by this act by July 1, 2006, or eighteen (18) months after the implementation of a group purchasing program by institutions of higher education, whichever is earlier. The comptroller's report shall analyze the costs incurred, if any, in implementing such programs, calculate the savings, if any, attributable to such programs, and suggest any modifications that are deemed advisable to such programs.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1288**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 1313** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 1332 -- Tort Liability -- Adds certain nonprofit public benefit corporations operating hospitals to definition of "governmental entity" applicable only in Shelby County for Governmental Tort Liability Act. Amends TCA Section 29-20-102.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the punctuation and words "municipality; and" at the end of the amendatory language of Section 1 of the printed bill and by substituting instead the following:

municipality;

(Such hospital corporation shall be subject to the Open Meetings Law, compiled in Title 8, Chapter 44, and subject to the Open Records Law, compiled in Title 10, Chapter 7, to the extent that other local government hospitals and government hospital authorities are subject to such laws); and

On motion, the amendment was adopted.

Senator Norris declared Rule 13 on **Senate Bill No. 1332**.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting from Section 1(3)(B)(ii) of the printed bill the words "Receives or leases real property" and by substituting instead the following:

Receives or leases hospital real property

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1332**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	2

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--30.

Senators voting no were: Haynes and Trail--2.

A motion to reconsider was tabled.

Senate Bill No. 1387 -- Public Health -- Directs Commissioner of Health to request waiver of foreign residence requirement for all qualified aliens who agree to practice medicine in underserved area of Tennessee. Amends TCA Title 68, Chapter 1, Part 1.

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On motion, Senate Bill No. 1387 was made to conform with **House Bill No. 1342**.

On motion, House Bill No. 1342, on same subject, was substituted for Senate Bill No. 1387.

Senator Ford moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1342** passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1518 -- Unemployment Compensation -- Changes title of unemployment appeals referees to unemployment administrative judges. Amends TCA Title 50, Chapter 7, Part 3 and Title 50, Chapter 7, Part 7.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "unemployment administrative judge" and "unemployment administrative judge's" wherever such language may be found and by substituting instead the language "unemployment hearing officer" and "unemployment hearing officer's" respectively.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1518**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1534 -- Firearms and Ammunition -- Deletes certain restrictions upon carrying of firearms by law enforcement officers. Amends TCA Section 39-17-1350.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the printed bill.

AND FURTHER AMEND by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 39-17-1350(c), is amended by deleting subdivisions (1), (3) and (4).

On motion, the amendment was adopted.

Senator Haynes moved that **Senate Bill No. 1534**, as amended, be placed on the calendar for Wednesday, April 30, 2003, which motion prevailed.

Senate Bill No. 1636 -- Education, Higher -- Clarifies that institution of higher education cannot prohibit sorority from locating and maintaining residential house on campus if institution permits fraternity house on campus; rules applying to sororities can be no less stringent than those applying to fraternity houses. Amends TCA Title 49.

On motion, Senate Bill No. 1636 was made to conform with **House Bill No. 28**.

On motion, House Bill No. 28, on same subject, was substituted for Senate Bill No. 1636.

Senator McNally moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 28** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 1658** be placed on the calendar for Monday, May 5, 2003, which motion prevailed.

Senate Bill No. 1664 -- Textbooks -- Requires State Board of Education to adopt maximum weight standards for elementary and secondary school textbooks taking into consideration health risks to pupils. Amends TCA Title 49.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 22, is amended by adding the following as a new, appropriately designated section:

49-6-22___. On or before July 1, 2004, the State Board of Education shall adopt recommendations concerning weight of textbooks used by pupils in elementary and secondary schools. The board shall submit these recommendations to the General Assembly on an annual basis.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1664**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1721 -- Consumer Protection -- Requires vacation lodging services to be registered with division of consumer affairs in Department of Commerce and Insurance; establishes requirements and duties for vacation lodging services. Amends TCA Title 47, Chapter 18 and Title 62, Chapter 13.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-13-104(b)(3), is amended by adding the following as a new subdivision (D):

(D)(i) No funds shall be distributed from the escrow/trustee account until the customer's stay is complete, unless such distribution is in accordance with terms disclosed to the renter in writing at the time of making the reservation, or within a reasonable time thereafter not to exceed three (3) days, mailed to the renter pursuant to the United States Postal Service or transmitted to the renter via electronic mail, facsimile, or other tangible form of communication. Commissions earned by the firm and the revenue due owners shall be disbursed at least monthly. Funds held in escrow shall be disbursed in a prompt manner without unreasonable delay.

(ii) A vacation lodging service may be exempt from the requirements of subdivision (b)(3)(C) by submitting with its application for a firm license renewal an irrevocable letter of credit from a state or national bank or state or federal savings and loan association having its principal office in Tennessee; or any state or national bank or state or federal savings and loan association that has its principal office outside this state and that maintains one (1) or more branches in this state which are authorized to accept federally insured deposits. The terms and conditions of any irrevocable letter of credit shall be subject to the approval of the commission. At the discretion of the bank or savings and loan association, the form of such irrevocable letter of credit shall be provided by the bank or savings and loan association and may be based on either the Uniform Commercial Code, Tennessee Code Annotated, Title 47, Chapter 5, or the ICC Uniform Customs and Practice for Documentary Credits (UCP 500). In lieu of the irrevocable letter of credit, the commission is authorized to accept equivalent security. The irrevocable letter of credit or equivalent security shall be in the amount of the vacation lodging service's average advanced monthly deposits or such other lesser amount as is reasonably determined by the commission to protect the renters and owners. The commission may draw upon the irrevocable letter of credit or equivalent security to reimburse renters or owners for funds owed to them by the vacation lodging service. The commission shall offer the vacation lodging service a contested case hearing under the Uniform Administrative Procedures Act before drawing upon the irrevocable letter of credit or equivalent security if the vacation lodging service continues to maintain the letter of credit or equivalent security during the contested case hearing process. If the vacation lodging service does not continue to maintain the irrevocable letter of credit or equivalent security during the contested case hearing process and the irrevocable letter of credit or equivalent security is subject to expiring during the contested case hearing process, the commission may draw upon the irrevocable letter of credit or equivalent security before conducting the contested case hearing. Where the commission draws upon the irrevocable letter of credit or equivalent security before conducting a contested case hearing, the commission shall offer the vacation lodging service a prompt hearing to be conducted before it distributes the proceeds.

SECTION 2. Tennessee Code Annotated, Section 62-13-104(b)(4), is amended by deleting the language "even-numbered".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1721**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson,

Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1733 -- Education, Higher -- Requires Hepatitis A and B vaccinations for students at four-year and two-year institutions of higher education. Amends TCA Title 49, Chapter 7, Part 1.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

Section 49-7-124. (a) New incoming students at any public or private institution of higher learning in this state shall return a completed waiver form pursuant to this section. A waiver form shall indicate that the institution has provided detailed information to the student concerning the risk factors for hepatitis B infection and the availability and effectiveness of vaccine for persons who are at-risk of the disease; and that the student, parent or guardian has received and reviewed the information and has chosen to have the student vaccinated or not to have the student vaccinated. In order to complete a waiver form, a student who is eighteen (18) years of age or older may sign a waiver or, for minors, the student's parent or guardian may sign the waiver.

(b) Nothing in this section shall be construed to require a school to provide or purchase vaccine against hepatitis B infection.

(c) The Tennessee Higher Education Commission is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, the Uniform Administrative Procedures Act.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1733**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1820 -- Day Care -- Allows child care agencies to seek accreditation by national accrediting agency in lieu of compliance with environment rating scales portion of program assessment for report card system. Amends TCA Section 71-3-502.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-3-502(a), is amended by adding the following as a new subdivision (7):

(7)(A) The reduction of adult to child ratios and group sizes for the single-age grouping of children in child care centers as contained in the Tennessee compilation of rules and regulations, Chapter 1240-4-3-.07(4)(e), Parts 4 and 13, and in Chapter 1240-4-6-.07(4)(f)2, Part 7, for children in the four (4) year old, five (5) year old and school age (kindergarten and above) age categories in single age groups, is rescinded.

(B) The reduction of adult to child ratios and group sizes for the multi-age grouping of children in child care centers as contained in the Tennessee compilation of rules and regulations, Chapter 1240-4-3-.07(4)(e), Part 14, and in Chapter 1240-4-6-.07(4)(f)2, Part 8, for children in the three (3) to five (5) year old group, in the four (4) to five (5) year old group, and in the five (5) through twelve (12) year old group, is rescinded.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senators Ford and Miller declared Rule 13 on **Senate Bill No. 1820**.

Senator Graves moved for the previous question on Amendment No. 1 to **Senate Bill No. 1820**, which motion prevailed by the following vote:

Ayes	26
Noes	6

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Norris, Ramsey, Southerland and Mr. Speaker Wilder--26.

Senators voting no were: Herron, Kyle, Miller, Person, Trail and Williams--6.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes	27
Noes	6

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Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senators voting no were: Clabough, Cohen, Henry, Kyle, McNally and Person--6.

Thereupon, **Senate Bill No. 1820**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 6

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senators voting no were: Clabough, Cohen, Henry, Kyle, McNally and Person--6.

A motion to reconsider was tabled.

Senator Henry moved that **Senate Bill No. 1848** be placed on the calendar for Monday, May 5, 2003, which motion prevailed.

Senator Herron moved that **Senate Bill No. 1941** be placed on the calendar for Monday, May 5, 2003, which motion prevailed.

Senate Bill No. 2018 -- Insurance, Health, Accident -- Grants Commissioner of Commerce and Insurance same authority to regulate hospital and medical service corporations as commissioner possesses for other health insurers; imposes minimum of one-year waiting period before such service corporation may convert to for-profit entity and require board of directors of such service corporation to meet same statutory requirements as imposed on boards of not-for-profit corporation. Amends TCA Title 56, Chapter 1, Part 2.

Senate Bill No. 2018 passed its third and final consideration by the following vote:

Ayes 31
Noes 0
Present, not voting . . . 1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator present and not voting was: Cooper--1.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Clabough, **Senate Bills Nos. 889, 890, 891, 892 and 893** were recalled from the Committee on Commerce, Labor and Agriculture.

WITHDRAWAL OF BILL

On motion of Senator Clabough, Senate Bills Nos. 889, 890, 891, 892 and 893 were withdrawn from the Senate.

CALENDAR

Senator Clabough moved that **Senate Bill No. 1199** be rereferred to the Committee on Finance, Ways and Means, which motion prevailed.

RECALL OF BILL

On motion of Senator Clabough, **Senate Bill No. 1806** was recalled from the Committee on Calendar.

REFERRAL

On motion of Senator Clabough, Senate Bill No.1806 was rereferred to the Committee on Finance, Ways and Means.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 491 -- Grand Juries -- Requires grand jury indictment be presented to clerk for filing. Amends TCA Section 40-13-108.

HOUSE AMENDMENT NO. 1

AMEND by deleting the effective date section in its entirety and substituting instead the following:

SECTION ____ This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Burks moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 491**, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1978 -- Zoning -- Authorizes any municipality in Blount County to engage in conditional or contract zoning by ordinance enacted by two-thirds vote of municipal legislative body

where agreed conditions are designed to ameliorate injuries created by rezoning to surrounding property interests or to municipal interests. Amends TCA Section 13-7-201.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-2-103, is amended by deleting the period (.) at the end of the next to last sentence of subsection (h) and by substituting instead the language "and may be assessed at the discretion of the commissioner, or the commissioner's designated representative."

SECTION 2. Tennessee Code Annotated, Section 50-2-104, is amended by deleting the period (.) at the end of the next to the last sentence of the section and substituting instead the following language "and may be assessed at the discretion of the commissioner, or the commissioner's designated representative."

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following new section:

50-2-109. (a) If, within thirty (30) days from the receipt of written notification of penalties assessed pursuant to this part, an employer fails to notify the commissioner in writing of its intent to contest the imposition of such penalty, the assessment of penalty as stated in the notification shall be deemed a final order of the commissioner, and not subject to further review.

(b) All penalties owed under this part shall be paid to the commissioner and may be recovered in a civil action in the name of the state of Tennessee.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Haynes moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 1978**, which motion prevailed.

MOTION

On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bills Nos. 1016 and 1981**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 678, 882 and 1595**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 303, 309 and 357; and Senate Resolution No. 46**.

On motion of Senator McLeary, his name was added as sponsor of **Senate Bill No. 279**.

On motion of Mr. Speaker Wilder and Senators Cohen and Burchett, their names were added as sponsors of **Senate Bill No. 1332**.

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On motion of Senator Miller, his name was added as sponsor of **Senate Bill No. 1721**.

On motion of Senators McNally, Crowe, Graves, Burks, Miller, Ketron, Bryson, Cooper, McLeary, Trail and Burchett, their names were added as sponsors of **Senate Bill No. 1288**.

On motion of Senator Burchett, his name was added as sponsor of **Senate Bill No. 1820**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 863**.

On motion of Senator Crutchfield, his name was added as sponsor of **Senate Bill No. 2018**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 178, 278, 1199 and 1941**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Joint Resolution No. 306; and Senate Bills Nos. 1816 and 1817**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 128**.

ENGROSSED BILLS

April 28, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 279, 818, 1028, 1029, 1288, 1332, 1518, 1664, 1721, 1733, 1820 and 2018; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 28, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 178; and Senate Joint Resolution No. 357; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 28, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1023 and 2019, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

April 29, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 863, 1560, 1627, 1813, 1816 and 1817; and Senate Joint Resolutions

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Nos. 205, 238, 301, 302, 303, 304, 306, 309 and 311; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 353, 383, 1031 and 1391; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 178, 1023 and 2019; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 546, 647, 778, 810, 913, 1093, 1361, 1490, 1505, 1508, 1510, 1516, 1517, 1531, 1538, 1543, 1544, 1634, 1706, 1726 and 1803; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 313, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 407, 409, 425, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 444, 446, 447, 448 and 449; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 415, 422, 424, 426, 427, 428, 429 and 430; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 28, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 185, 272 and 1975; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 29, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 313, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

April 29, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 43, 44 and 46; and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 542, 931, 1428, 1727, 1945, 2040 and 2096; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 28, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 396, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

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SIGNED

April 28, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 185, 272 and 1975.

SIGNED

April 28, 2003

The Speaker announced that he had signed the following: House Bills Nos. 542, 931, 1727, 1945, 2040 and 2096.

SIGNED

April 28, 2003

The Speaker announced that he had signed the following: House Joint Resolution No. 396.

SIGNED

April 28, 2003

The Speaker announced that he had signed the following: House Bill No. 1428.

SIGNED

April 29, 2003

The Speaker announced that he had signed the following: Senate Joint Resolution No. 313.

SIGNED

April 29, 2003

The Speaker announced that he had signed the following: Senate Resolutions Nos. 43, 44 and 46.

MESSAGE FROM THE HOUSE

April 29, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 313, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 29, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 313, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MONDAY, APRIL 28, 2003 -- 34TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

April 28, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1691; and Senate Joint Resolution No. 305; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 30, 2003: House Joint Resolutions Nos. 402, 403, 404, 405, 406, 408, 410, 411, 412, 413, 414, 416, 418, 419 and 421; Senate Joint Resolutions Nos. 67, 81, 282, 312, 314, 315, 316, 317, 318 and 319; and Senate Resolution No. 47.

This the 28th day of April, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 30, 2003: Senate Bills Nos. 2, 27, 236, 305, 384, 393, 514, 714, 842, 983, 1127, 1189, 1059, 1064, 1399, 1400, 1538, 1793, 1819, 1910, 1478 and 1481.

This the 28th day of April, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 30, 2003: Senate Bills Nos. 1116, 1207, 112, 111, 1383, 554, 897, 1806, 771 and 1716.

This the 28th day of April, 2003.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 3:00 p.m., Wednesday, April 30, 2003, which motion prevailed.